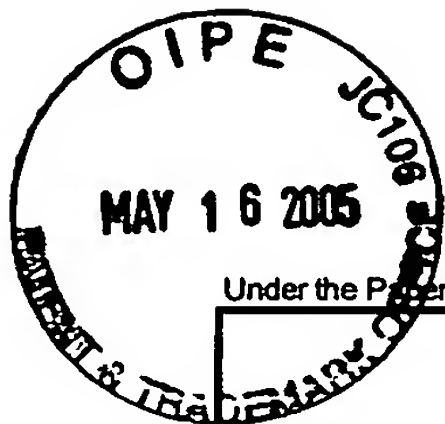


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JCO6 Rec'd PCTA 10 16 MAY 2005

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/526,860	
	Filing Date	September 4, 2003	
	First Named Inventor	Marc K. HELLERSTEIN	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	19 + 194 Refs.	Attorney Docket Number	416272003600

#2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement w/ Form PTO/SB/08a/b (18 pages)  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  1. One Copy of each 194 Cited References  2. Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 20872) Michael R. Ward - Reg. No. 38,651
Signature	<i>Michael R Ward</i>
Date	May 13, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: May 13, 2005	Signature: <i>Leah Kjellen</i> (Leah Kjellen)

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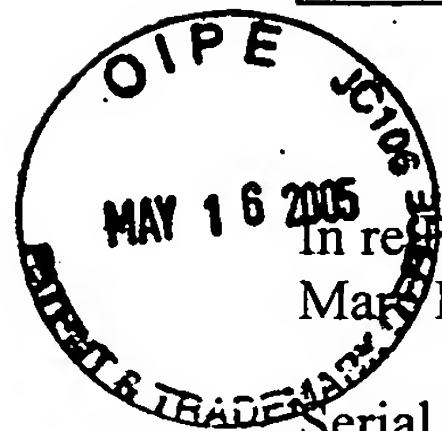
Signature: 

(Leah Kjellen)

Patent

Docket No. 416272003600

B01-073-1



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Mark K. HELLERSTEIN

Serial No.: 10/526,860

Filing Date: September 4, 2003

For: METHOD FOR MEASURING THE  
RATES OF REPLICATION AND  
DEATH OF MICROBIAL INFECTIOUS  
AGENTS IN AN INFECTED HOST  
ORGANISM

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **416272003600**.

Dated: May 13, 2005

Respectfully submitted,

By Michael R. Ward

Michael R. Ward

Registration No.: 38,651

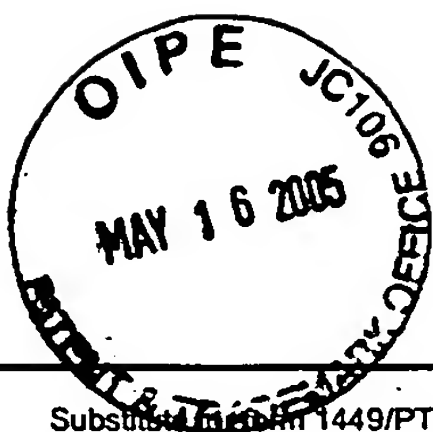
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ALTERNATIVE TO PTO/SB/08a/b (06-03)

<b>Substitute Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/526,860	
			Filing Date	September 4, 2003	
			First Named Inventor	Marc K. HELLERSTEIN	
			Art Unit	Not Yet Assigned	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	15	Attorney Docket Number	416272003600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US-4,332,784	06-01-1982	Smith et al.	
	2.	US-5,338,686	08-16-1994	Hellerstein	
	3.	US-5,439,803	08-08-1995	Ross et al.	
	4.	US-5,910,403	06-08-1999	Hellerstein	
	5.	US-5,961,470	10-05-1999	Wagner et al.	
	6.	US-6,010,846	01-04-2000	Hellerstein	
	7.	US-6,461,806	10-08-2002	Hellerstein	
	8.	US-6,461,870-B2	10-08-2002	Yatscoff et al.	
	9.	US-6,468,802-B1	10-22-2002	Yatscoff et al.	
	10.	US-6,599,750-B2	07-29-2003	Yatscoff et al.	
	11.	US-6,602,715-B2	08-05-2003	Yatscoff et al.	
	12.	US-6,653,076	11-25-2003	Franza, Jr. et al.	
	13.	US-6,653,090-B1	11-25-2003	Lopaschuk	
	14.	US-6,808,875-A1	10-26-2004	Hellerstein	
	15.	US-2003/0133871	07-17-2003	Hellerstein	
	16.	US-2003/0148533	08-07-2003	Malloy et al.	
	17.	US-2003/0180710	09-25-2003	Lee et al.	
	18.	US-2003/0180800	09-25-2003	Lee et al.	
	19.	US-2003/0224420	12-04-2003	Hellerstein et al.	
	20.	US-2003/0228259	12-11-2003	Hellerstein	
	21.	US-2004/0081994	04-29-2004	Hellerstein	
	22.	US-2004/0091943	05-13-2004	Schneider	
	23.	US-2004/0115131-A1	06-17-2004	Hellerstein	
	24.	US-2004/0152994	08-05-2004	Meier-Augenstein	
	25.	US-2004/0253647	12-16-2004	Mathews et al.	
	26.	US-2005/0019251-A1	01-27-2005	Hellerstein	
	27.	US-2005/0053992-A1	03-10-2005	Hellerstein	
	28.	US-10/519,121	FD 09-15-2003	Hellerstein	
	29.	US-10/523,250	FD 01-26-2005	Hellerstein	
	30.	US-10/872,280	FD 06-17-2004	Hellerstein	
	31.	US-10/963,967	FD 10-12-2004	Hellerstein	
	32.	US-10/997,323	FD 11-23-2004	Hellerstein	
	33.	US-11/064,197	FD 02-22-2005	Hellerstein	
	34.	US-11/078,083	FD 03-11-2005	Hellerstein	
	35.	US-11/094,387	FD 03-29-2005	Hellerstein	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
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			Art Unit	Not Yet Assigned	
			Examiner Name	Not Yet Assigned	
Sheet	2	of	15	Attorney Docket Number	416272003600

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	36.	WO-90/11371	10-04-1990	Anticancer, Inc.		
	37.	WO-93/25705	12-23-1993	Barranco		
	38.	WO-98/51820	11-19-1998	Hellerstein		
	39.	WO-03/061479-A1	07/31/2003	Hellerstein		
	40.	WO-03/068919-A2	08/21/2003	Hellerstein		
	41.	WO-03/087314-A2	10/23/2003	Hellerstein		
	42.	WO-04/003493-A2	01/08/2004	Hellerstein		
	43.	WO-04/011426-A2	02/05/2004	Hellerstein		
	44.	WO-04/021863-A2	03/18/2004	Hellerstein		
	45.	WO-04/024941-A2	03/25/2004	Hellerstein		
	46.	WO-04/025270-A2	03/25/2004	Hellerstein		
	47.	WO-04/042360-A2	05/21/2004	Hellerstein		
	48.	WO-05/009597-A2	02/03/2005	Hellerstein		
	49.	WO-05/015155-A2	02/17/2005	Hellerstein		
	50.	WO-05/033652-A2	04/14/2005	Hellerstein		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	51.	International Search Report mailed on April 13, 2004, for PCT application no. PCT/US03/20052 filed on June 25, 2003, 3 pages	
	52.	International Search Report mailed on June 29, 2004, for PCT application no. PCT/US03/04183 filed on February 12, 2003, 4 pages	
	53.	International Search Report mailed July 8, 2004, for PCT patent application no. PCT/US03/27623 filed on September 4, 2003, 4 pages	
	54.	International Search Report mailed on July 9, 2004, for PCT application no. PCT/US03/35107 filed on November 4, 2003, 2 pages	
	55.	International Search Report mailed on August 18, 2004, for PCT application no. PCT/US03/23340 filed on July 25, 2003, 4 pages.	
	56.	International Search Report mailed on August 18, 2004, for PCT application PCT/US03/29526, filed September 16, 2003, 3 pages	

Examiner Signature		Date Considered	
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Sheet	3	of	15	Attorney Docket Number	416272003600

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Examiner Signature		Date Considered	
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			Examiner Name	Not Yet Assigned	
Sheet	5	of	15	Attorney Docket Number	416272003600

		<i>Amer. Society Mass Spectrometry on Mass Spectrometry</i> , p. 331a.	
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Examiner Signature		Date Considered	
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Sheet	6	of	15	Attorney Docket Number	416272003600

		in Human Immunodeficiency Virus-Infected Patients Who Remain Viremic Despite Long-Term Treatment with Protease Inhibitor-Based Therapy" <i>Journal of Infectious Diseases</i> 185:315-323	
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Examiner Signature		Date Considered	
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sf- 1912049

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/526,860
				Filing Date	September 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	15	of	15	Attorney Docket Number	416272003600

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\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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